

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF INDIANA
NEW ALBANY DIVISION

IN RE:) Chapter 11
)
EASTERN LIVESTOCK CO., LLC, et al.,¹) Case No. 10-93904-BHL-11
)
Debtor.) Hon. Basil H. Lorch III

**MOTION FOR EXPEDITED TELEPHONE CONFERENCE TO DISCUSS
COMPLETION OF RULE 2004 EXAMINATIONS**

James A. Knauer, Chapter 11 Trustee, by Special Counsel, pursuant to Rule 2004(c) of the Federal Rules of Bankruptcy Procedure, respectfully moves the Court for an expedited telephone conference to discuss the completion of 2004 examinations of certain former and current employees of Fifth Third Bank N.A. (“Fifth Third”). In support thereof, the Trustee states as follows:

1. Special Counsel filed its preliminary report on potential claims against Fifth Third Bank N.A. [Doc. # 1099] on March 16, 2012.
2. In its preliminary report, Special Counsel stated that there was discovery it wanted to complete before filing its final report. *See* Preliminary Report ¶¶ 8-9. Specifically, Special Counsel seeks to complete the 2004 examinations of (a) Timothy Spurlock; (b) Patty Voss; and (c) Anne Kelly and to schedule the 2004 examinations of (d) Krista Rackley; (e) Michael Herr; (f) Doug Hoffner; (g) Bill Hummel; and (h) a representative of Fifth Third’s IT department familiar with its proprietary “Focus” system and its ability to save reports (collectively the “Deponents”).
3. Having conducted a conference on Monday, March 26, 2012 at 1:30 p.m., with Messrs. LaTour, Richardson, Britt and Hine, counsel for Fifth Third, pursuant to S.D. Ind. L.R.

¹ The Debtor entities are Eastern Livestock Co., LLC and Okie Farms, L.L.C.

37.1, the Trustee and Fifth Third are at an impasse as to the additional discovery. Therefore, the parties request the Court to conduct an expedited telephone conference to resolve this discovery dispute.

WHEREFORE, the Trustee respectfully requests that the Court enter an Order setting an expedited telephone conference to discuss the completion of the 2004 examinations of the Deponents and for all other relief just and proper.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on March 26, 2012, a copy of the foregoing pleading was filed electronically. Notice of this filing will be sent to counsel of record through the Court's Electronic Case Filing System. Parties may access this filing through the Court's system.

/s/ Sean T. White

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